IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.998 OF 1994.

Alibag Nagar Parishad : Appellant.

versus

Messrs. D.D.Hajare : Respondent.

Mr.C.G.Gavnekar for the appellant.

None for the respodnent.

CORAM : D.G.DESHPANDE,J.

DATED : 7th February 2005.

OPERATIVE ORDER

. For the reasons separately recorded the following order is passed :-

Appeal is allowed. The judgment and decree of the trial Court is set aside. Suit of the plaintiff is dismissed.

However, nobody is present for the respondent, there will be no order as to

costs.

Amount deposited by the Municipal Council/appellant be refunded to them and, if withdrawn by the respondent, should be redeposited in the court by them or should be paid to the appellant within eight weeks from today.

Certified copy expedited.

[D.G.DESHPANDE]

07/02/2005 JUDGE.